

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MAR 12 2014

UNITED STATES OF AMERICA

v.

CYRUS GHARIB (1)  
JONATHAN STUBBS (2)  
BRYAN HIGGINBOTHAM (3)  
STEPHEN HANNAH (4)  
JEREMIAH GRAHAM (5)  
MICHAEL BRIDWELL (6)  
NEIL KNOX (7)  
DAVID PITTS (8)  
GILBERT DURAN (9)  
VICTOR LOPEZ (10)  
WARREN KEARFOTT (11)  
GREGORY KAHN (12)

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DAVID J. MALAND, CLERK  
BY  
DEPUTY  
NO. 4:14CR 53  
Judge

SEALED

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**Count One**

Violation: 21 U.S.C. § 846 (Conspiracy  
to Distribute and Possess with the Intent  
to Distribute Anabolic Steroids)

That from sometime in or about January 2011, and continuously thereafter up to and including the date of this Indictment, in the Eastern District of Texas and elsewhere, **Cyrus Gharib, Jonathan Stubbs, Bryan Higginbotham, Stephen Hannah, Jeremiah Graham, Michael Bridwell, Neil Knox, David Pitts, Gilbert Duran, and Victor Lopez**, defendants, did knowingly and intentionally combine, conspire, and agree with each other

and other persons known and unknown to the United States Grand Jury, to knowingly and intentionally distribute and possess with the intent to distribute a mixture or substance containing a detectible amount of anabolic steroid, a Schedule III controlled substance, in violation of 21 U.S.C. § 841(a)(1).

In violation of 21 U.S.C. § 846.

**Count Two**

Violation: 21 U.S.C. § 846 (Conspiracy to Possess with the Intent to Distribute Gamma Hydroxybutrate (“GHB”))

That from sometime in or about January 2011, and continuously thereafter up to and including the date of this Indictment, in the Eastern District of Texas and elsewhere, **Cyrus Gharib, Stephen Hannah, and Gilbert Duran**, defendants, did knowingly and intentionally combine, conspire, and agree with each other and other persons known and unknown to the United States Grand Jury, to knowingly and intentionally possess with the intent to distribute Gamma Hydroxybutrate (“GHB”), a violation of 21 U.S.C. § 841(a)(1).

In violation of 21 U.S.C. § 846.

**Count Three**

Violation: 21 U.S.C. § 841(a)(1)  
(Possession of Heroin with the Intent to Distribute)

That on or about October 11, 2011, in the Eastern District of Texas and elsewhere, **Stephen Hannah**, defendant, did knowingly and intentionally distribute and possess with the intent to distribute a mixture or substance containing less than 100 grams of a mixture

or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1).

**Count Four**

Violation: 21 U.S.C. § 841(a)(1)  
(Possession of Cocaine Base with the  
Intent to Distribute)

That on or about October 11, 2011, in the Eastern District of Texas and elsewhere, **Stephen Hannah**, defendant, did knowingly and intentionally distribute and possess with the intent to distribute a mixture or substance containing less than 28 grams of a mixture or substance containing a detectable amount of Cocaine Base (crack), in violation of 21 U.S.C. § 841(a)(1).

**Count Five**

Violation: 21 U.S.C. § 846 (Conspiracy  
to Distribute and Possess with the Intent  
to Distribute Cocaine)

That from sometime in or about January 2011, and continuously thereafter up to and including the date of this Indictment, in the Eastern District of Texas and elsewhere, **David Pitts, Jeremiah Graham, and Victor Lopez**, defendants, did knowingly and intentionally combine, conspire, and agree with each other and other persons known and unknown to the United States Grand Jury, to knowingly and intentionally distribute and possess with the intent to distribute a mixture or substance containing less than 500 grams of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(a)(1).

In violation of 21 U.S.C. § 846.

**Count Six**

Violation: 21 U.S.C. § 841(a)(1)  
(Possession of Cocaine with the Intent to Distribute)

That on or about October 11, 2011, in the Eastern District of Texas and elsewhere, **Stephen Hannah**, defendant, did knowingly and intentionally distribute and possess with the intent to distribute a mixture or substance containing less than 500 grams of a mixture or substance containing a detectable amount of Cocaine, in violation of 21 U.S.C. § 841(a)(1).

**Count Seven**

Violation: 18 U.S.C. § 924(c)  
(Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

On or about October 20, 2011, in the Eastern District of Texas, **Stephen Hannah**, defendant, did knowingly possess a firearm, namely a Sig Sauer P232 380 semi-automatic handgun bearing serial number #5279192, a Lorcin I25 .25 caliber semi-automatic handgun bearing serial # 315047, a Rock River Arms LAR 15 5.56 rifle bearing serial number AC2021737, and a Sig Arms 45 caliber handgun bearing serial #GS06368, in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, to wit: possession with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, cocaine, cocaine base, heroin, and

GHB, a violation of 21 U.S.C. § 841(a)(1).

In violation of 18 U.S.C. § 924(c).

**Count Eight**

Violation: 18 U.S.C. § 924(c)  
(Possession of a Firearm in Furtherance  
of a Drug Trafficking Crime)

On or about July 25, 2012, in the Northern District of Texas, **Victor Lopez**, defendant, did knowingly possess a firearm, namely a Smith and Wesson 40 caliber handgun bearing serial number PDJ7066, in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, to wit: possession with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, cocaine, and steroids, a violation of 21 U.S.C. § 841(a)(1).

In violation of 18 U.S.C. § 924(c).

**Count Nine**

Violation: 21 U.S.C. § 846 (Conspiracy  
to Distribute and Possess with the Intent  
to Distribute Marijuana)

That from sometime in or about January 2011, and continuously thereafter up to and including the date of this Indictment, in the Eastern District of Texas and elsewhere, **Cyrus Gharib, Gregory Kahn, and Warren Kearfott**, defendants, did knowingly and intentionally combine, conspire, and agree with each other and other persons known and unknown to the United States Grand Jury, to knowingly and intentionally distribute and possess with the intent to distribute a mixture or substance containing less than 50

kilograms of a mixture or substance containing a detectable amount of marijuana, in violation of 21 U.S.C. § 841(a)(1).

In violation of 21 U.S.C. § 846.

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**  
**Criminal Forfeiture Pursuant to 21 U.S.C. § 853**

As a result of committing the offenses charged in this Indictment, the defendants shall forfeit to the United States all property, real and personal, involved in the offenses alleged or traceable to such property, and all property, real or personal, used to commit or facilitate the offenses alleged, including, but not limited to, the following:

**Vehicles**

1. 2007 Chevrolet Tahoe TXLP: 09V-TY3, VIN: 1GNFK13087R131390;
2. 2009 Cadillac Escalade TXLP (Temp): 54L-6414, VIN: 1GYFC23269R198094;
3. 2008 Chevrolet Corvette TXLP (Temp): 49G-7634, VIN: 1G1YY26E085128241;
4. 2007 Cadillac Escalade TXLP: DF2-C661: VIN: 1GYFK63897R130741;
5. 2008 Yukon Denali TXLP: CW6-T093: VIN: 1GKEC63818J184893;

**Firearms**

6. Sig Sauer P232 380 semi-automatic handgun bearing serial number #5279192;
7. Lorcin I25 .25 caliber semi-automatic handgun bearing serial # 315047;

8. Rock River Arms LAR 15 5.56 rifle bearing serial number AC2021737;
9. Sig Arms 45 caliber handgun bearing serial #GS06368;
10. Smith and Wesson 40 caliber handgun bearing serial number PDJ7066.

**Substitute Assets**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of any defendant –

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(a)(4), to seek forfeiture of any other property of each defendant up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by each defendant.


By virtue of the commission of the offenses alleged in this Indictment, any and all interest that each defendant has in the above-described property is vested in and hereby forfeited to the United States.

A TRUE BILL

SV

GRAND JURY FOREPERSON

JOHN M. BALES  
UNITED STATES ATTORNEY

  
JAY R. COMBS  
Assistant United States Attorney

3-12-14

Date



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VICTOR LOPEZ (10)	§	
WARREN KEARFOTT (11)	§	
GREGORY KAHN (12)	§	

**NOTICE OF PENALTY**

**Count One**

Violation: 21 U.S.C. § 846

Penalty: Not more than 10 years imprisonment, a fine not to exceed \$500,000, or both; supervised release of at least two years;

Special Assessment: \$100.00

**Counts Two, and Five**

Violation: 21 U.S.C. § 846

Penalty: Not more than 20 years imprisonment, a fine not to exceed \$1 million, or both; supervised release of at least three years;

Special Assessment: \$100.00

**Counts Three, Four, and Six**

Violation: 21 U.S.C. § 841

Penalty: Not more than 20 years imprisonment, a fine not to exceed \$1 million, or both; supervised release of at least three years;

Special Assessment: \$100.00

**Counts Seven and Eight**

Violation: 18 U.S.C. § 924(c)

Penalty: Imprisonment for not less than 5 years or more than life, a fine not to exceed \$250,000.00 or both. A term of supervised release of not more than three years

Special Assessment: \$ 100.00

**Count Nine**

Violation: 21 U.S.C. § 846

Penalty: Not more than 5 years imprisonment, a fine not to exceed \$250,000, or both; supervised release of at least two years;

Special Assessment: \$100.00